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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,872

12/21/2001

John S. Houston

1600-2 US2

2590

7590 01/25/2007  
Ryan, Mason & Lewis, LLP  
Suite 250  
1300 Post Road  
Fairfield, CT 06430

EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/026,872	HOUSTON, JOHN S.	
	Examiner	Art Unit	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/1/02</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26, 28, 30-38 & 40-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis, (U.S. Pat # 5,796,952).

Considering claim 1, the claimed method by a software agent of a first entity measuring the exposure of an individual to electronic media, comprising

‘obtaining identifying information of eth electronic media from a cooperative media handler’, is met by the disclosure in Davis of the JAVA applet tracking the display of media presented by a browser, see col. 9, lines 15-45; col. 10, lines 11-65, col. 12, lines 12-50.

‘providing at least a portion of the identifying information to the first entity’ is met by col. 4, lines 36-65; col. 9, lines 35-38.

Considering claims 3-13, Davis teaches the claimed subject matter, see col. 5, lines 14-45; col. 8, lines 20-52; col. 9, lines 5-25; col. 12, lines 52-65.

Considering claims 14-24, helper, plug-ins receives, decodes and presents data from wired and wireless networks, in real-time and extends the capability of its host, col. 8, lines 40-52.

Considering claims 20 & 21, the helper, plug-in is mobile since it can be used on other browsers, and is stable since it does not conflict with the instant browser.

Considering claims 25-26, the media in Davis may be pre-recorded, but is experienced in real-time by the user.

Considering claim 28, the subject matter reads on the JAVA applet in the computer.

Considering claim 30, Davis discloses on-line services, col. 6; lines 51-65.

Considering claim 31, the JAVA agent and helper, plug-in are separate in Davis.

Considering claim 32, see col. 5, lines 15-28.

Considering claim 33, see col. 4, lines 65-67 thru col. 5, lines 1-10.

Considering claims 34-38 & 40-44, the subject matter reads on the operation of the JAVA applet, col. 13.

Considering claims 46-48, the subject matter reads on an interactive HTML webpage.

Considering claims 49-50, the claimed method steps for measuring the exposure of an individual to electronic, corresponds with subject matter mentioned above in the rejection of claims 1, and is likewise treated.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27, 29 & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis.

Considering claim 27, see Davis, col. 7, lines 30-45. Even though Davis does not teach that the terminal device may be at least a STB or TV. Official Notice is taken that at the time the invention was made, it was well known to present electronic media including Internet data via a STB or TV. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Davis with feature of presenting electronic media for tracking on a STB or TV, at least for the improvement of expanding the range of venues for monitoring a user.

Considering claim 29, Davis does not teach the use of a smart card. Official Notice is taken that use of smart cards was known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Davis with technique of a smart card, at least in order to have a more modular system.

Considering claim 39, Davis does not discuss secure communication. Official Notice is taken that at the time the invention was made, the need for secure communication was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Davis with feature of secure communication, at least in order to ensure that only the intended recipient views transmitted data.

Art Unit: 2623

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
REUBEN M. BROWN  
PATENT EXAMINER